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Attorney for Secured Creditor

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re:

2nd Chance Investment Group, LLC,

Case No. 8:22-bk-12142-SC

Chapter 11

**STATEMENT OF NON-OPPOSITION TO
DEBTOR'S MOTION FOR ORDER: (1)
AUTHORIZING SALE OF REAL PROPERTY
FREE AND CLEAR OF LIENS, *ET SEQ.*
WITH RESERVATION OF RIGHTS**

Hearing:

Date: 12/13/2023

Time: 1:30 P.m.

Place: Ctrm 5C

Debtors.

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY COURT
JUDGE, THE DEBTOR, AND OTHER INTERESTED PARTIES:**

Forethought Life Insurance Company ("Secured Creditor"), as serviced by Fay Servicing, LLC, hereby files the following response to the Debtor's Motion for Order: (1) Authorizing Sale of Real Property Free and Clear of Liens, *et seq.* pursuant to 11 U.S.C. §§ 363(b) and 363(f). filed on 11/22/2023 as docket entry number 319 in the above-captioned matter (the "Motion"). Secured Creditor is a party in interest as the holder of the 1st deed of trust secured by the collateral that is the subject of the Motion. Secured Creditor hereby responds to the Trustee's Motion on the following grounds:

1 The Motion seeks, *inter alia*, an order authorizing the sale of the real property commonly
2 described as 3025 Glenview Avenue, San Bernardino, California 92407 (“Property”). The proposed sale
3 price is \$250,000.00, subject to overbids. The Motion seeks authority to sell free and clear of liens under
4 11 U.S.C. §§ 363(b) and 363(f). In addition, with respect to Secured Creditor’s lien, the Motion states
5 that Secured Creditor’s lien is undisputed [subject to review for any interest, fees, or costs that appear
6 unsubstantiated] and seeks authority to pay Secured Creditor in full as of the date of the closing of the
7 sale [p. 17 of Motion; ¶ 4(i)].

8 Secured Creditor hereby submits that it does not oppose entry of an order authorizing the proposed
9 sale of the Property as prayed for in the Motion; except that Secured Creditor does set forth, to the extent
10 necessary and out of an abundance of caution, that it does not consent for purposes of 11 U.S.C. § 363(f)
11 or otherwise, to any sale free and clear of its lien unless it receives proceeds sufficient to satisfy its lien
12 in full, the amount of which is to be determined by Secured Creditor’s payoff demand submitted to
13 escrow.

14 Dated: 11/29/2023

Respectfully Submitted,
McCalla Raymer Leibert Pierce, LLP

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16 By: /s/Dane W. Exnowski
Dane W. Exnowski
17 Attorney for Secured Creditor
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**301. E Ocean Blvd Ste 1720
Long Beach, CA 90802**

A true and correct copy of the foregoing document entitled: **NON-OPPOSITION TO MOTION TO SELL REAL PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **11/29/2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

U.S. Trustee
ustpregion16.sa.ecf@usdoj.gov

Trustee

Debtors' Attorney
Richard L. Sturdevant
rich@bwlawcenter.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* **11/29/2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by ~~placing a true and correct copy thereof in a sealed envelope in the~~ United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
2nd Chance Investment Group, LLC
600 W. Santa Ana Blvd.
PMB 5045
Santa Ana, CA 92701

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/29/2023
Date

Dane Exnowski
Printed Name

/s/ Dane Exnowski
Signature